

I would proudly support a bill to prevent and punish the violent crimes against women and especially pregnant women. This bill does not address where and when these crimes most often occur or how to stop them.

This bill does not help the 37 percent of women who need to receive emergency help because of assault by their husband or boyfriend? Where is the legislation in maintaining a restraining order when a woman flees to another State because her life is in danger?

If we want to protect women and their children from violence, let us debate funding for domestic violence shelters and hotlines that are overrun by women in danger to broadly address where violence occurs.

I urge my colleagues to vote for the Lofgren substitute, which recognizes that when a violent crime is perpetrated against a pregnant woman and causes injury to or termination of her pregnancy, there is additional harm to that woman.

Crimes committed against pregnant women are heinous and should be punished to the fullest extent. The Lofgren substitute actually provides harsher penalties on perpetrators of violent crimes against pregnant women than does H.R. 503.

I strongly urge my colleagues not to jeopardize the decisions women can make about their own bodies and to vote no on H.R. 503 and yes on the Lofgren substitute.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this misguided bill.

Let me make something perfectly clear from the outset: The loss or harm to a woman and her fetus is absolutely devastating to the woman and her family. Those who injure or kill a pregnant woman and her fetus should be severely punished, and families should have the legal tools to have their loss recognized. We will offer a substitute that does that, and I believe that the Lofgren substitute demonstrates very clearly that there is a lot of common ground on this issue if we would only look for that instead of looking for ways to disagree.

Having said that, let me explain why the approach this bill takes is just another thinly veiled attack on a woman's right to choose.

This bill would give a fetus the same legal recognition as you or I—for the first time in Federal law. Instead of addressing the real issues at hand—the horrible pain for a woman who loses a pregnancy to a cowardly, violent act—this bill is an ideological marker for the anti-choice special interests.

Frankly, this bill is just another way of writing a Human Life Amendment. In fact, the National Right to Life Committee admits that it participated in the drafting of the bill, and according to the NRTL website, “[t]he bill challenges that [pro-choice] ideology by recognizing the unborn child as a human victim, distinct from the mother.”

If anti-choice members of this House want to recognize the fetus as a person—do that. Bring a Human Life Amendment to the floor and let us vote on it. But don't tell pregnant women in this country that you're trying to protect them with this bill when there are existing State and Federal laws to do that and when we are willing to join you in addressing the tragic cases when pregnant women are attacked. The American people are smarter than you're giving them credit for. They know that you're proposing a political statement today, not a real solution.

If you really want to crack down on cowardly criminals who would attack a pregnant woman, support the Lofgren substitute. It gets us to the same ends, without the overtly political means. And if you're serious about protecting women in this country from violence, let's fully fund the Violence Against Women Act today.

VAWA is the most effective way for us to help combat violence against women. Every year, over two million American women are physically abused by their husbands or boyfriends. A woman is physically abused every 15 seconds in this country. And one of every three abused children becomes an adult abuser or victim. The Unborn Victims of Violence Act will do nothing for these women. But VAWA makes all the difference in the world.

My colleagues, please do not be fooled. The Unborn Victims of Violence Act is not about protecting pregnant women from violent acts. Rather, it is yet another anti-choice attempt to undermine a woman's right to choose.

I have stood on the House floor many times and asked my colleagues to work with me to find ways to help women improve their health, plan their pregnancies, and have healthier children. It is tragic that every day over 400 babies are born to mothers who received little or no prenatal care, every minute a baby is born to a teen mother, and three babies die every hour. And it is tragic that 1 of every 3 women will experience domestic violence in her adulthood.

Instead of finding new ways to revisit the divisive abortion battle, Americans want us to focus our efforts on providing women with access to prenatal care, affordable contraception, health education and violence prevention. If we truly want to protect women and their pregnancies from harm, then let us work together to enact legislation to help women have healthy babies and protect them from violent abusers.

Please vote “no” on H.R. 503.

Mr. PAUL. Mr. Speaker, while it is the independent duty of each branch of the Federal Government to act Constitutionally, Congress will likely continue to ignore not only its Constitutional limits but earlier criticisms from Chief Justice William H. Rehnquist, as well.

The Unborn Victims of Violence Act of 2001, H.R. 503, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional (but already-existing) Federal murder and assault statutes apply, the Federal Government moves yet another step closer to a national police state.

Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wants to be amongst those members of Congress who are portrayed as soft on violent crimes initiated against the unborn?

Nevertheless, our Federal Government is, constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees,

or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

However, Congress does more damage than just expanding the class to whom Federal murder and assault statutes apply—it further entrenches and seemingly concurs with the *Roe v. Wade* decision (the Court's intrusion into rights of States and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against). By specifically exempting from prosecution both abortionists and the mothers of the unborn (as is the case with this legislation), Congress appears to say that protection of the unborn child is not only a Federal matter but conditioned upon motive. In fact, the Judiciary Committee in marking up the bill, took an odd legal turn by making the assault on the unborn a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill (which implies knowledge) on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child's existence is subject to nearly the full penalty of the law. (With respect to only the fetus, the bill exempts the murderer from the death sentence—yet another diminution of the unborn's personhood status and clearly a violation of the equal protection clause.) It is becoming more and more difficult for congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a non-person in others.

In his first formal complaint to Congress on behalf of the federal Judiciary, Chief Justice William H. Rehnquist said “the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of our Federal system.” Rehnquist further criticized Congress for yielding to the political pressure to “appear responsive to every highly publicized societal ill or sensational crime.”

Perhaps, equally dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three Federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, because the constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a Federal and State crime). “Concurrent” jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the